

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 54649

Donald P. Brzowsky  
Sharon A. Brzowsky

3227 W. Dundalk Avenue

Respondents

FINDINGS OF FACT AND CONCLUSION OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on February 18, 2009, for a Hearing on a citation for violations under the Baltimore County Code (BCC) § 13-7-305 (1), failure to initiate rat eradication procedures; § 13-7-305 (2), failure to eliminate rat infestation and to maintain premise rat-free; § 13-7-302 (a), failure to repair and rat proof or raze and remove shed, building(s) free of rats; § 13-7-302 (b), failure to eliminate all rat harborages; § 13-7-112, 115, 116 for maintaining a public health nuisance on residential property zoned DR 10.5 known as 3227 W. Dundalk Avenue, 21222.

On January 20, 2009, pursuant to § 3-6-205, Baltimore County Code, a Code Enforcement citation was issued. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was properly issued on December 18, 2008 for rat infestation and rat harborages, directing the property owner to obtain the services of a licensed exterminator and begin immediate rat eradication; to send copies of the exterminator report to the County; and to seal all burrows and repair and rat-proof the shed or remove the shed from the property.

B. Re-inspection on February 17, 2009 shows that no action has been taken to address the violations. Photographs taken by the Inspector show open burrows and indicate continued rat infestation. No extermination reports have been received by the County.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that Baltimore County shall enter the property for the purpose of extermination of rat infestation, at the expense of the property owner.

IT IS FURTHER ORDERED that the County inspect the property after completion of extermination to determine whether the rat harborage violations have been corrected. If the Respondent fails to correct the violations within 30 days of the extermination, then the civil penalty shall be imposed and placed as a lien upon the property, and additional civil penalties may be imposed for the continued violations. If the Respondent corrects the rat harborage violations and the property is found to be in compliance, the civil penalty will be rescinded.

ORDERED this 23<sup>rd</sup> day of February 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer